



FOR PSA MEMBERS: **NORTHERN CAPE**

30-07-2026

Industrial action in public service

Context and legal framework

Frustration in the public service often arises where staff shortages persist. Overburdened employees, especially shift workers and those in critical services, often escalate workplace concerns to impulsive industrial action. Although section 23 of the *Constitution* gives every employee the right to strike, section 65(1)(d) of the *Labour Relations Act 66 of 1995 (LRA)* prohibits employees in essential services from striking.

Essential services

Essential services are services of which the interruption may endanger life, personal safety, or health. Employees in these services may not strike, and any such strike is unprotected, with possible disciplinary action, dismissal, or liability for damages. Employers may also not lock out employees who perform essential services.

Requirements for protected strike action

Public-service employees outside essential services may strike only if they comply with the *LRA*. Section 64 sets out the procedure for lawful, protected strike action. Non-compliant industrial action is unprotected and may result in disciplinary action or civil proceedings.

Secondary strikes

A secondary strike supports a primary strike and is protected only if it complies with the *LRA*, otherwise, section-68 consequences may apply. Under section 66 of the *LRA*, a secondary strike is permitted only if:

1. The primary strike complies with sections 64 and 65 of the *LRA*.
2. The employer or relevant employers' organisation receives at least seven days' written notice.
3. The secondary strike is reasonable in relation to its possible effect on the primary employer's business.

Guidance to members

Members should avoid unprotected or prohibited strike action. Where strike action is allowed, the required procedure must be followed, and the "no-work, no-pay" principle applies.

Members in the Northern Cape should report concerns directly to the PSA Provincial Office for prompt attention.

Reuben Maleka
GENERAL MANAGER